REMARKS

Claims 1-4 and 63-77 were pending in the present application. Applicant amends Claims 1-4, 63-68, and 72- 77 to clarify claimed subject matter and/or correct informalities. The original specification and drawings support these claim amendments at least at pages 5-8, 9, 12-14, 17, 19 and in Figure 2. Therefore, these revisions introduce no new matter.

Claims 1-4 and 63-77 are for consideration upon entry of the present Amendment. Applicant requests favorable reconsideration of this response and allowance of the subject application based on the following remarks.

Claim Rejections under 35 U.S.C. §101

Claims 63-71, and 1-4 stand rejected under 35 U.S.C. §101 as being allegedly directed to non-statutory subject matter. Without conceding the propriety of the stated rejections, and only to advance the prosecution of this application, Applicant amends **Claims 63-68 and 1-4**, to clarify further features of the subject matter. Support for these amendments may be found in the original specification at least at pages 5-8, 8-10, 12-14, and Figure 2.

Dependent Claims 69-71 depend directly from independent Claim 64, and thus are patentable as depending from a patentable base claim. These claims comply with §101 and as a result, the rejection is now moot. Accordingly, Applicant requests that the §101 rejections be withdrawn.

Claim Rejections under 35 U.S.C. §112, 1st para.

Claims 63-77 and 1-4 stand rejected under 35 U.S.C. §112, first paragraph, as failing to comply with the written description requirement.

Without conceding the propriety of the rejection, Applicant amends **independent Claims 64, 72, and 77** to clarify the subject matter. Support for these amendments may be found in the original specification at least at pages 5-8, 8-10, and 12-14. Thus, no new matter has been introduced. Dependent Claims 1-4, 63, 65-71, 73-76 depend from one of independent Claims 64 and 72, respectively, and are allowable by virtue of this dependency.

Applicant respectfully submits that these claims comply with 35 U.S.C. §112, first paragraph and as a result the rejections are now moot. Applicant respectfully requests that the §112 rejections be withdrawn.

Claim Rejections 35 U.S.C. §112, Second Paragraph

Claims 63-77 and 1-4 stand rejected under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Without conceding the propriety of the rejection, Applicant amends **independent Claims 64, 72, and 77** to clarify the subject matter. Support for these amendments is found in the original specification at least at pages 5-8, 8-10, and 12-14. Thus, no new matter has been introduced. Dependent Claims 1-4, 63, 65-71, 73-76 depend from one of independent Claims 64 and 72, respectively, and are allowable by virtue of this dependency.

Applicant respectfully submits that these claims comply with 35 U.S.C. §112, second paragraph and as a result the rejections are now moot. Applicant respectfully requests that the §112 rejections be withdrawn.

Claim Rejections 35 U.S.C. §103: A. and B.

A. Claims 64-69, 71-77, and 2-3 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,460,020 (Pool) in view of U.S. Patent No. 6,269,345 (Riboud) and further in view of U.S. Patent Application Publication No. 2002/0023053 (Szoc). Applicant respectfully traverses the rejection.

Without conceding the propriety of the stated rejections, and only to advance the prosecution of this application, Applicant amends **independent Claim 64**, to clarify further features of the subject matter. Amended Claim 64 now recites:

> A computer-implemented method for determining values of multiple interrelated parameters of an e-commerce transaction across multiple currencies to manage a sales risk, comprising:
>
> linking via a computer the multiple interrelated parameters of the e-commerce transaction in one or more feedback loops such that calculating each parameter affects calculating at least some of the other parameters;
>
> wherein calculating via the computer each parameter provides an output value used as one of multiple input values for calculating at least some of the other parameters, and calculating each parameter uses as input the output values from calculating at least some of the other parameters;
>
> calculating via the computer the multiple interrelated parameters using output values from one calculation as input values for the next calculation until values within respective predetermined tolerance levels are achieved for each parameter;
>
> determining via the computer the values of the multiple interrelated parameters based on the respective predetermined tolerance levels;
>
> wherein achieving the respective predetermined tolerance levels for each parameter comprises monetary conversions, set parameters, a market spot price relating to currency, or an adjustment to a set currency price;
>
> monitoring the market spot price relating to currency;
>
> **adjusting via the computer the market spot price in real-time via a live pricing feed based on a negotiated tolerance level for a particular commerce participant;**
>
> **viewing on a display the values of the multiple interrelated parameters in currencies of choice; and**
>
> **comparing via the computer the values of the multiple interrelated parameters from several market participants.**

Applicant respectfully submits that Pool, Riboud and/or Szoc, alone or in combination, fail to disclose, teach, or suggest such a method.

References Fail To Disclose, Teach, or Suggest Real-Time via Live Pricing Feed and Comparing the Values of the Multiple Interrelated Parameters

Applicant asserts the Office has no longer established a *prima facie* case of obviousness. Pool is directed towards an international transaction system providing pre-transactional calculations (Abstract). In Pool, a buyer selects a language from a menu, selects a catalogue and a product to purchase, selects a currency, and makes a request for a destination for shipping (Fig. 1A, col. 4, line 50; col. 5, lines 11-12, 34-35; col. 6, lines 42-43). In Pool, the customer inputs the destination for purposes of calculating the cost for packaging, shipping, taxes, duties, insurance, etc. to select correct freight charge (col. 7, lines 28-33).

The Office states that Pool teaches " *monitoring the market spot price relating to currency; adjusting the market spot price based on a negotiated tolerance level for a particular commerce participant; viewing the sales risk based on the values of the multiple interrelated parameters*", as recited in Applicant's Claim 1 (Office Action, pg. 6). For convenience, the citation is reproduced below.

Pool at col. 6, lines 32-36

> For another option, the customer can be offered a higher price to compensate for wide swings in currency conversion values. Any or all of these opinions are presented to the customer, along with any other desired catalogue information, at step 119.

The sections cited by the Office merely show how a higher price is offered to compensate for wide swings. Nowhere is there any mention of a negotiated tolerance level

and viewing the sales risk based on the multiple interrelated parameters, as recited in Applicant's Claim 64.

Riboud fails to compensate for the deficiencies of Pool. Riboud is directed towards transferring amounts in different local currencies between local banking organizations (Title). Riboud transfers a quantity measured in first unit used by a first entity to a second entity using a second unit, varying as a function of time (Abstract, col. 1, lines 9-13). While the module in Riboud reads the exchange rates memorized in the file and compares them to respective upper and lower thresholds (col. 8, lines 48-50), the request is to transfer a predetermined amount in the reference currency to be converted into currency whose relative value is down (col. 8, lines 55-57). There is no mention or discussion in Riboud of calculating multiple interrelated parameters using output values from one calculation as input values for the next calculation.

Szoc fails to compensate for the deficiencies of Pool and Riboud. Szoc is directed towards a foreign exchange information, cross0border payments, and other financial information and services to clients over the World Wide Web (Abstract). Szoc determines if an exchange rate risk associated with the transaction is within a range acceptable to the system (para. 0010).

Thus, Applicant submits that Pool, Riboud, and/or Szoc, alone or in combination fail to disclose, teach, or suggest "*adjusting via the computer the market spot price in real-time via a live pricing feed based on a negotiated tolerance level for a particular commerce participant; viewing on a display the values of the multiple interrelated parameters in currencies of choice; and comparing via the computer the values of the multiple interrelated parameters from several market participants*", as recited in Applicant's amended Claim 64. While Szoc mentions real-time, it is for real-time foreign exchange information (Abstract),

not for adjusting via the computer the market spot price in real-time via a live pricing feed based on a negotiated tolerance level, as recited in Applicant's amended Claim 64. Furthermore, although Szoc mentions comparing, it is for comparing an amount a consumer is willing to pay in a first currency with an amount a merchant demands in a second currency (para. 0010), not comparing via the computer the values of the multiple interrelated parameters from several market participants, as recited in Applicant's amended Claim 64.

Accordingly, Applicant submits that the evidence relied upon by the Office no longer supports the rejections made under §103(a).

Insufficient Evidence to Suggest Reason to Modify References

Next, there must be some articulated reasoning with some rational underpinning to support the legal conclusion of obviousness... KSR Int'l Corp. v. Teleflex, Inc., Slip Op. at 14 (U.S. Apr. 30, 20076) (quoting In re Kahn, 441 F.3d 977, 988 (CA Fed. 2006)). The Office stated the motivation for modifying Pool to include the features as taught by Riboud and Szoc for the obvious reason of reducing the risks associated with currency fluctuations in international commercial transactions (Office Action, pg. 7). Applicant respectfully disagrees and submits that this modification is not well reasoned, because there is nothing in either of the references that would suggest this reason.

Furthermore, there is no articulated reason with some rational underpinning to support this rejection. Instead, the asserted reason relies on hindsight without evidence of articulated reasoning to propose the suggested modification. This rejection is improper for this additional reason.

Independent Claims 72 and 77 are directed to computerized systems, and each is patentable for reasons similar to those discussed above with respect to Claim 64.

Independent Claim 72

Without conceding the propriety of the stated rejections, and only to advance the prosecution of this application, Applicant amends **independent Claim 72**, to clarify further features of the subject matter. Amended Claim 72 now recites:

> A computerized system computer-readable media for determining values of multiple interrelated parameters of an e-commerce transaction across multiple currencies, having computer-executable instructions on a processor to perform functions comprising:
>
> linking via the processor the multiple interrelated parameters of the e-commerce transaction in one or more feedback loops such that calculating each parameter affects calculating at least some of the other parameters;
>
> wherein calculating via the processor each parameter provides an output value used as one of multiple input values for calculating at least some of the other parameters and calculating each parameter uses as input the output values from calculating at least some of the other parameters;
>
> calculating via the processor the multiple interrelated parameters using output values from one calculation as input values for the next calculation until values within respective predetermined tolerance levels are achieved for each parameter;
>
> determining via the processor the values of the multiple interrelated parameters based on the respective tolerance levels;
>
> wherein achieving the respective predetermined tolerance levels for each parameter comprises monetary conversions, set parameters, a market spot price relating to currency, or an adjustment to a set currency price;
>
> monitoring via the processor the market spot price relating to currency;
>
> adjusting via the processor the market spot price in real-time via a live pricing feed based on a negotiated tolerance level for a particular commerce participant; and
>
> viewing on a display the values of the multiple interrelated parameters based on the respective predetermined tolerance levels; and
>
> comparing via the processor the values of the multiple interrelated parameters from several market participants.

Applicant respectfully submits that Pool, Riboud and/or Szoc, alone or in combination, fail to disclose, teach, or suggest such a system. Nowhere do Pool, Riboud, and/or Szoc mention or discuss "*monitoring via the processor the market spot price relating to currency; adjusting via the processor the market spot price in real-time via a live pricing feed based on a negotiated tolerance level for a particular commerce participant; viewing on a display the values of the multiple interrelated parameters in currencies of choice; and comparing via the processor the values of the multiple interrelated parameters from several market participants*", as recited in Applicant's amended Claim 72.

Independent Claim 77

Without conceding the propriety of the stated rejections, and only to advance the prosecution of this application, Applicant amends **independent Claim 77**, to clarify further features of the subject matter. Amended Claim 77 now recites:

> A computerized system, comprising:
> means for determining values of multiple interrelated parameters of an e-commerce transaction across multiple currencies, including:
> means for linking the multiple interrelated parameters of the e-commerce transaction in one or more feedback loops such that calculating each parameter affects calculating at least some of the other parameters;
> wherein calculating each parameter provides an output value used as one of multiple input values for calculating at least some of the other parameters, and calculating each parameter uses as input the output values from calculating at least some of the other parameters;
> means for calculating the multiple interrelated parameters using output values from one calculation as input values for the next calculation until values within respective predetermined tolerance levels re achieved for each parameter; and
> means for determining the values of the multiple interrelated parameters based on the respective predetermined tolerances;
> wherein achieving the respective predetermined tolerance levels for each parameter comprises monetary conversions, set parameters, a market spot price relating to currency, or an adjustment to a set currency price;
> means for monitoring the market spot price relating to currency;

means for adjusting the market spot price in real-time via a live pricing feed based on a negotiated tolerance level for a particular commerce participant;

means for viewing on a display the values of the multiple interrelated parameters based on the respective predetermined tolerance levels;

means for displaying at least some of the multiple parameters to each participant in the e-commerce transaction in a respective currency of each participant; and

means for comparing the values of the multiple-interrelated parameters from several market participants.

Applicant respectfully submits that Pool, Riboud and/or Szoc, alone or in combination, fail to disclose, teach, or suggest such a system. Nowhere do Pool, Riboud, and/or Szoc mention or discuss "*means for monitoring the market spot price relating to currency; means for adjusting the market spot price in real-time via a live pricing feed based on a negotiated tolerance level for a particular commerce participant; means for displaying at least some of the multiple parameters to each participant in the e-commerce transaction in a respective currency of each participant; and means for comparing the values of the multiple interrelated parameters from several market participants*", as recited in Applicant's amended Claim 77.

Dependent Claims 65-69, 71, 73-76, and 2-3 depend directly or indirectly from one of independent Claims 64 and 72, respectively, and are allowable by virtue of this dependency. These claims are also allowable for their own recited features that, in combination with those recited in Claims 64 and 72, are not disclosed, taught, or suggested by Pool, Riboud, and/or Szoc, alone or in combination. Accordingly, Applicant submits that the evidence relied upon by the Office does not support the rejections made under §103(a). Applicant respectfully request the §103(a) rejection of these claims be withdrawn.

B. Claims 1, 4, 63 and 70 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,460,020 (Pool) in view of U.S. Patent No. 6,269,345 (Riboud) in view of U.S. Patent Application Publication No. 2002/0023053 (Szoc) and further in view of U.S. Patent No. 5,897,621 (Boesch). Applicant respectfully traverses the rejection.

As explained above with respect to the rejection under §103 A., Applicant submits that Pool, Riboud and/or Szoc, fail to disclose, teach, or suggest the features of independent Claim 64. Dependent Claim 1 depends from independent Claim 64.

Turning to **dependent Claim 1,** which recites the computer-implemented method as recited in claim 64, further comprising:

> determining via the computer **a cost for credit** to be extended to a participant of the e-commerce transaction, wherein the **credit is extended based upon one or more of the parameters comprising a volume of business a credit provider conducts with a participant, a type of deliverable and collateral for the credit**;
>
> calculating via the computer a cost for exchange of a first currency to a second currency, wherein the cost of exchange is based upon one or more of the parameters comprising currencies involved in the transaction, an aggregate volume of currency exchanged by the participant and the amount of the associated transaction, and is effective for a predetermined period of time; and
>
> calculating via the computer an aggregate price to the customer for the good or service, wherein the aggregate price comprises an aggregate of the cost of credit, the cost for exchange of currency and the amount of first currency relating to the price of the deliverable.

Applicant respectfully submits that Pool, Riboud, Szoc, and/or Boesch, alone or in combination, fails to disclose, teach, or suggest such a method.

Applicant agrees with the Office that Pool, Riboud, and/or Szoc do not explicitly teach "*determining a cost for credit to be extended to a participant of the e-commerce transaction, wherein the credit is extended based upon one or more of the parameters*

comprising a volume of business a credit provider conducts with a participant, a type of deliverable and collateral for the credit; calculating a cost for exchange of a first currency to a second currency, wherein the cost of exchange is based upon one or more of the parameters comprising currencies involved in the transaction, an aggregate volume of currency exchanged by the participant and the amount of the associated transaction, and is effective for a predetermined period of time; and calculating an aggregate price to the customer for the good or service, wherein the aggregate price comprises an aggregate of the cost of credit, the cost for exchange of currency and the amount of first currency relating to the price of the deliverable", as recited in Applicant's Claim 1 (Office Action, pgs. 9-10).

However, Boesch fails to compensate for the deficiencies of Pool, Riboud, and/or Szoc. Rather, Boesch is directed towards a system and method for determining approval of a multi-currency transaction (Abstract). The server accounts in Boesch represent real cash, credit, etc., corresponding to the electronic funds stored in the customer and merchant accounts (col. 4, lines 21-24). The local accounts of the customer and merchant are sometimes referred in the art as "wallets" and "cash register", respectively (col. 4, lines 29-30). Virtual and actual settlement represent movement of the electronic funds to a merchant account (col. 6, lines 21-22, 28-30). A customer user may have access to amounts in a plurality of customer currencies (col. 11, lines 7-8).

Nowhere does Boesch discuss or mention determining a cost for credit to be extended and how the credit is extended (e.g., volume of business, type of deliverable, and collateral). In contrast, Applicant's Claim 1 recites "*determining via the computer a cost for credit to be extended to a participant of the e-commerce transaction, wherein the credit is extended based*

upon one or more of the parameters comprising a volume of business a credit provider conducts with a participant, a type of deliverable and collateral for the credit".

Thus, Pool, Riboud, Szoc, and/or Boesch, alone or in combination, fail to disclose, teach, or suggest "*determining via the computer a cost for credit to be extended to a participant of the e-commerce transaction, wherein the credit is extended based upon one or more of the parameters comprising a volume of business a credit provider conducts with a participant, a type of deliverable and collateral for the credit*", as recited in Applicant's Claim 1. Accordingly, Applicant submits that the evidence relied upon by the Office does not support the rejections made under §103.

Dependent Claim 70 is allowable for reasons similar to those discussed above with respect to Claim 1. For example, Pool, Riboud, Szoc, and/or Boesch, alone or in combination fail to disclose, teach or suggest "*a cost of credit parameter partly determines and is partly determined by a sales price parameter; wherein the cost of credit parameter is partly determined by a creditworthiness parameter; and wherein the sales price parameter is partly determined by the creditworthiness parameter*", as recited in Applicant's Claim 70.

Turning to **dependent Claim 4**, Pool, Riboud, Szoc, and Boesch fail to disclose, teach, or suggest "*discounting via the computer the cost for exchange according to a volume discount*", as recited in Applicant's Claim 4. Nowhere is there any mention or discussion of this feature in the references.

Regarding **dependent Claim 63**, Pool, Riboud, Szoc, and Boesch fail to disclose, teach or suggest "*currency exchange price parameter comprising one or more of: an upper currency exchange price tolerance parameter and a lower currency exchange price tolerance parameter, and a market spot price*", as recited in Applicant's Claim 63.

Dependent Claims 1, 4, 63, and 70 depend directly or indirectly from independent Claim 64, and are allowable by virtue of this dependency, as well as for the additional features that they recite.

Applicant respectfully submits that Pool, Riboud, Szoc, and Boesch, alone or in combination, do not render the claimed subject matter obvious and that the claimed subject matter, therefore, patentably distinguishes over the cited references. For all of these reasons, Applicant respectfully request the §103(a) rejection of these claims be withdrawn.

Conclusion

Claims 1-4 and 63-77 are in condition for allowance. Applicant respectfully requests reconsideration and prompt allowance of the subject application. If any issue remains unresolved that would prevent allowance of this case, the Office is requested to contact the undersigned attorney to resolve the issue.

Respectfully Submitted,

Lee & Hayes, PLLC

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